

REMARKS

This application has been reviewed in light of the Office Action dated January 23, 2007. Claims 13-15, 17, 20-22, 24, 27 and 28 are presented for examination, of which Claims 13, 20, 27 and 28 are in independent form. Claims 16, 18, 19, 23, 25, 26, 29 and 30 have been canceled, without prejudice or disclaimer of subject matter. Claims 13-15, 20-22, 27 and 28 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

The specification has been amended to conform the Summary of Invention section to the amended claims.

The Office Action has required a new declaration or oath on the ground that "the oath lists the filing date of Japanese Application Number 2003-134022 as October, 2003. However, the certified copy of this application lists the filing date as May 13, 2003. Also, the oath lists the filing date of Japanese Application Number 2002-309841 as October 24, 2003, but the certified copy of this application lists the filing date as October 24, 2002." A new Declaration correcting the foreign priority information is enclosed.

The drawings have been rejected under 37 CFR §1.83(a) as failing to show every feature of the invention specified in the claims on the ground that Claims 16, 19, 23 and 26 are not shown in the drawings. In addition, the specification has been objected-to as failing to provide proper antecedent basis for the claimed subject matter. In particular, the Office Action states that the features of Claims 16, 19, 23 and 26 are not described in the specification. The cancellation of Claims 16, 19, 23 and 26 renders these objections moot.

Claims 27-30 have been objected-to on the ground that the claims are multiple

dependent claims that refer back to both elected and non-elected claims. Claims 29 and 30 have been canceled, and Claims 27 and 28 have been amended into independent form. Applicant believes that the objection has been obviated, and its withdrawal, therefore, is respectfully requested.

Claims 16, 19, 23 and 26 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Cancellation of those claims renders this rejection moot.

Claims 27-30 have been rejected under 35 U.S.C. §101 on the grounds that the claimed invention is directed to non-statutory subject matter. Claims 29 and 30 have been canceled, and Claims 27 and 28 have been carefully reviewed and amended to ensure that they fully conform to the requirements of 35 U.S.C. § 101. It is believed that the rejection under Section 101 has been obviated, and its withdrawal is, therefore, respectfully requested.

Claims 13-30 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,934,409 (Ohara).

As shown above, Applicant has amended independent Claims 13, 20, 27 and 28 in terms that more clearly define what he regards as his invention. Applicant submits that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Claim 13 is directed to an image processing method for generating a difference image from a first image and a second image. The method includes: (1) a decision step, of deciding whether to display a shadow change region of the difference image as a negative image or a positive image; (2) an image processing step, of changing the first image and/or the second

image into the negative image or the positive image based on the decision in the decision step; and (3) a computing step, of computing a difference image from the first image and the second image changed in the image processing step.

Among other notable features of Claim 13 are: (1) a decision step, of deciding whether to display a shadow change region of the difference image as a negative image or a positive image; and (2) an image processing step, of changing the first image and/or the second image into the negative image or the positive image based on the decision in the decision step. By virtue of the structure recited in Claim 13, the display format or a display mode of the difference image can be unified.

Ohara relates to a phase contrast radiographic image processing apparatus and method. Ohara discusses that radiation images are captured by a single X-ray irradiation and from these images, subtraction images are obtained (column 22, lines 21 to 23), and also discusses image processing such as gradation processing and frequency enhancement (column 35, lines 43 to 53). However, Applicant has found nothing in Ohara that would teach or suggest “a decision step, of deciding whether to display a shadow change region of the difference image as a negative image or a positive image,” as recited in Claim 13.

Additionally, Ohara discusses performing image processing for the abnormal shadow of the radiographic image. However, Applicant has found nothing in Ohara that would teach or suggest “an image processing step, of changing the first image and/or the second image into the negative image or the positive image based on the decision in said decision step,” as recited in Claim 13. It follows, therefore, that nothing in Ohara teaches or suggests “a computing step, of computing a difference image from the first image and the second image

changed in said image processing step,” as recited in Claim 13.

A review of the other art of record has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 13.

Independent Claims 20, 27 and 28 are apparatus, computer program and computer storage medium claims, respectively, corresponding to method Claim 13, and are believed to be patentable the cited prior art for at least the same reasons as discussed above in connection with Claim 13.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **IMAGE PROCESSING APPARATUS, IMAGE PROCESSING METHOD, PROGRAM, AND RECORDING MEDIUM**

the specification of which ☐ is attached hereto ; or ☒ was filed on October 3, 2003 as United States Application No. or PCT International Application No. 10/677,377 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b), of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filed (Day / Mo. / Yr.)</u>	<u>(Yes / No) Priority Claimed</u>
Japan	2002-309841 (Patent)	24/October/2002	Yes
Japan	2003-134022 (Patent)	13/May/2003	Yes

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	<u>Status (Patented, Pending, Abandoned)</u>
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I hereby appoint the practitioners associated with the firm and Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to the address associated with that Customer Number:

FITZPATRICK, CELLA, HARPER & SCINTO
Customer Number: 05514

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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